

UNITED STATES DISTRICT COURT  
THE DISTRICT OF NEW HAMPSHIRE

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THOMAS JACKSON MILLER,  
:

Plaintiffs,  
:

-against-  
:

THE SUNAPEE DIFFERENCE, LLC, d/b/a MOUNT  
SUNAPEE RESORT  
:

Defendant.  
:  
:  
:  
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Civil Action No. 1:16-cv-  
143-JL

**MOTION TO EXTEND TIME**

NOW COMES Plaintiff, Thomas Jackson Miller, and for his Agreed Motion to Extend Time to respond to Defendant's Motion for Judgment on the Pleadings, states as follows:

1. This matter was filed on or about April 13, 2016.
2. The parties appeared before this Court on July 25, 2016 for a Pretrial Conference.
3. On September 8, 2016 this Court issued an Order granting the Assented-To Motion to Clarify Pretrial Deadlines which set a Motion to Dismiss Deadline of November 18, 2016.
4. In direct violation of the Court's September 8, 2016 Order, Defendant filed a Motion for Judgment on the Pleadings on January 13, 2017.
5. A response to Defendant's Motion for Judgment on the Pleadings is currently due on January 26, 2017.

6. Defendant had nine (9) months to prepare its “Motion for Judgment on the Pleadings” and Plaintiff seeks additional time to review the motion and prepare his responsive pleading.

7. Discovery is ongoing in this matter and the parties have numerous discovery disputes which will be addressed at the February 13, 2017 mid-litigation status conference with the Court.

8. One of the discovery disputes to be addressed at that conference is Defendant’s outright refusal to produce any documents directly relevant to the purported liability release on the back of lift ticket, the sole issue on which Defendant’s Motion for Judgment on the Pleadings is based.

9. On January 13, 2017, Plaintiff served Defendant with a F.R.C.P. 30(b)(6) Notice of Deposition of Defendant for February 9, 2017. That Deposition is directly relevant and necessary for Plaintiff to adequately respond to Defendant’s Motion for Judgment on the Pleadings.

10. Plaintiff also has an outstanding “Right-to-Know-Request” to the State of New Hampshire for documents and information directly related to Defendant’s Motion for Judgment on the Pleadings. On January 4, 2017, the New Hampshire Department of Resources and Economic Development advised the undersigned that responsive records would likely be available by the end of January, 2017. The documents and information are necessary for Plaintiff to respond to Defendant’s Motion for Judgment on the Pleadings.

11. As further support for this request, the undersigned lead counsel for Plaintiff is on a pre-planned family vacation from January 26, 2017 until February 2, 2017 and the

undersigned counsel's paralegal handling this matter, and who is responsible for all filings with the Court, is on a pre-planned family vacation from January 24, 2017 through February 3, 2017.

12. Counsel has requested consent from Defense counsel but there has been no response yet.

13. This Motion to Extend Time is brought in good faith and granting it will not prejudice any party.

WHEREFORE Plaintiff, Thomas Jackson Miller, respectfully requests this Honorable Court to enter an Order extending the time within which to respond to Defendant's Motion for Judgment on the Pleadings to and including February 17, 2017 and for whatever other relief this Court deems just and necessary.

Dated: January 13, 2017

CULLENBERG & TENSEN, PLLC

s/ Arend R. Tensen

Arend R. Tensen

Attorneys for Plaintiff

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on January 13, 2017, the above and foregoing was electronically filed with the Clerk of the Court using the CM/ECF system and that a true and correct copy was served on all counsel of record by CM/ECF Electronic Notification.

CULLENBERG & TENSEN, PLLC

s/Arend R. Tensen

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